

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:06-CV-155-D

J & J SPORTS PRODUCTIONS, INC.,)
)
 Plaintiff,)
)
 v.)
)
J.R. MILLS, INC.,)
d/b/a RAY'S ELBOW ROOM, and)
JAMES RAY MILLS, Individually,)
)
 Defendants.)

ORDER

On June 11, 2007, Magistrate Judge Webb issued a Memorandum and Recommendation (“M&R”). In that M&R, Judge Webb recommended that the court grant plaintiff’s motion for summary judgment with respect to liability and conduct an evidentiary hearing with respect to damages. See 47 U.S.C. § 605(e). The defendants did not file any objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C.A. § 636(b)(1)). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the record and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the M&R and plaintiff’s motion for summary judgment with respect to liability is GRANTED. Before the court conducts an evidentiary hearing with respect to damages, the court directs the parties to state whether mediation has taken place. If not, the parties are to advise the court whether they are willing to engage in mediation to attempt to resolve the issue of damages. Each side shall file a statement concerning their willingness

to participate in mediation. The filing is due not later than July 16, 2007. Finally, the court advises the parties that the court will make available a United States Magistrate Judge to conduct the mediation. Any mediation would take place on a schedule convenient to the parties and the mediator.

SO ORDERED. This the 3 day of July 2007.



JAMES C. DEVER III
United States District Judge